

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Confirmation No.: 2276

Harvey ANDERSON

Art Unit: 3692

Application No.: 09/775,532

Examiner: Clement B. GRAHAM

Filed: February 2, 2001

Attorney Docket No.: 026732-00009

For: SYSTEM AND METHOD FOR FACILITATING BILLING ALLOCATION WITHIN
AN ACCESS CONTROLLED ENVIRONMENT VIA A GLOBAL NETWORK
SUCH AS THE INTERNET

REQUEST FOR RECONSIDERATION

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 12, 2007

Sir:

The Office Action dated September 12, 2007, has been received and carefully noted. The following remarks are being submitted as a full and complete response thereto. Reconsideration of the rejection of the claims is respectfully requested. Claims 1-24 are pending in this Application.

The Office Action rejects claims 1-24 under 35 USC § 103(a) over Joyce et al. (U.S. Patent No. 6,320,947) in view of Heckard et al. (U.S. Patent No. 6,714,790) in view of Pickering (U.S. Patent No. 5,684,965). The rejection is respectfully traversed.

Applicant respectfully submits that an identical rejection was issued by the Patent Office in the previous Office Action dated February 7, 2007. Applicants submit that the current rejection is identical to the February 7, rejection because the exact same language, taken verbatim from the February 7, Office Action, has been copied and pasted on the current Office Action without any new arguments from the Patent Office to

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use as a basis for a new rejection of the current claims. The same rejections presented by the Patent Office in the Office Action of February 7, 2007, were found to be moot because in response Applicants filed a Pre-Appeal Brief Request for Review on June 7, 2007, traversing the rejection of the claims. In response to the Pre-Appeal Brief Request for Review, the Patent Office issued a Notice of Panel Decision from Pre-Appeal Brief Review on June 25, 2007, in which the Patent Office specifically indicated that "the rejection is withdrawn and a new Office Action will be mailed" (emphasis added; Box No. 4 of the Notice). However, in spite of the Panel's decision withdrawing the rejection of the claims, the Examiner appears to reassert a rejection that was already to be found to be moot. Thus, such a rejection is improper because it is contrary to the Panel's decision.

Furthermore, in the section titled "Response to Arguments," the Examiner merely copies entire sections of the rejection, verbatim, from pages 2-17 into pages 17-19. These sections are also a verbatim copy of the arguments presented by the Patent Office in the rejection issued on February 7, 2007. Furthermore, the Examiner did not provide any new arguments in explaining why the rejection is still valid in spite of the Panel's decision, except to state that "it is obviously clear that Applicant's claimed limitations are addressed within the teachings of Joyce, Heckard and Pickering" (Office Action, page 19, lines 9-10) without more explanation. Applicant respectfully disagrees, especially in light of the complete lack of further argumentation or explanation as to why the current applied art, which was already found to be overcome by the Panel, should still be relevant and be a basis for the rejection of the claimed invention.

Thus, without any further explanation or argumentation as to why the current rejection, already found to be overcome by the Panel, still stands, Applicant respectfully asserts that this rejection is improper. Thus, it is respectfully requested that the rejection of the claims under 35 § 103(a) be withdrawn.

For all the above reasons, it is respectfully submitted that all of the currently pending claims are in condition for allowance and such action is earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form; the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, the Applicant hereby petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 026732-00009.**

Respectfully submitted,



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